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DAVIS WRIGHT TREMAINE, LLP			STOYNOV, STEFAN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/081,728	THELANDER ET AL.
	Examiner Stefan Stoynov	Art Unit 2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 August 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-46 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 April 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/14/2003.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

Drawings

The drawings are objected to because Figures 1-16 contain hand written text, which is hard to read. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 14, 26, 43, and 46 are objected to because of the following informalities.

In claim 14, the word "communicates" in line 2 appears to be mistyped.

Replacing that word with "communicating" is suggested.

In claim 26, lines 2 and 3, replacing the limitation "reduced power state" with "reduced-power state" is suggested for consistency with claim 21 where that limitation

was defined. Similarly, for claim 43, replacing the limitation “reduced-power state” with “reduced power state” is suggested for consistency with claim 39 where that limitation was defined.

Claim 46, line 4 recites the limitation “the first group” not previously defined in the claim nor in independent claim 39, upon which claim 46 depends. Correcting this would prevent a rejection based on insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-11, 27, 31-33, 39, and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson, US Patent No. 6,189,106. Anderson shows the claim limitations in Figures 1-4.

Regarding claim 1, Anderson discloses a method of controlling the power usage of a computer, comprising:

defining a schedule for implementing at least one power setting on a computer (column 1, lines 51-58, column 2, lines 1-5, lines 22-27, column 4, lines 33-46, lines 48-53, column 5, lines 15-27, column 6, lines 30-33); and

enforcing the at least one power setting on the computer according to the schedule (column 1, lines 58-60, line 66 – column 2, line 1, lines 5-11, lines 20-22, lines 27-30, column 5, lines 9-14, lines 33-36).

Regarding claim 8, Anderson discloses a method of controlling the power usage of a computer, comprising:

defining a schedule for implementing at least one reduced-power state on a computer (column 1, lines 51-58, column 2, lines 1-5, lines 22-27, column 4, lines 33-46, lines 48-53, column 5, lines 15-27, column 6, lines 30-33); and

enforcing the at least one reduced-power state on the computer according to the schedule (column 1, lines 58-60, line 66 – column 2, line 1, lines 5-11, lines 20-22, lines 27-30, column 5, lines 9-14, lines 33-36).

Regarding claim 27, Anderson discloses a method of controlling the power usage of a computer, comprising:

defining a power management profile for a computer, the power management profile including at least one power setting (column 5, lines 15-27) and a schedule for implementing the at least one power setting on the computer (column 1, lines 51-58, column 2, lines 1-5, lines 22-27, column 4, lines 33-46); and

distributing the power management profile to the computer (column 7, lines 52-56, lines 64-67).

Regarding claim 39, Anderson discloses a method of controlling the power usage of a computer, comprising:

defining a power management profile for a computer, the power management profile including a reduced power state (column 4, lines 48-53, column 5, lines 15-27, column 6, lines 30-33) and a schedule for implementing the reduced power state on the computer (column 1, lines 51-58, column 2, lines 1-5, lines 22-27, column 4, lines 33-46); and

distributing the power management profile to the computer (column 7, lines 52-56, lines 64-67).

Regarding claims 3, and 31, Anderson further discloses the method, wherein the schedule includes a specific calendar date (column 4, lines 39-42).

Regarding claims 4 and 32, Anderson further discloses the method, wherein the schedule includes a time period occurring on a specific calendar date (column 4, lines 39-42).

Regarding claim 5, Anderson further discloses the method, further including defining and enforcing the schedule for a plurality of power settings on the computer (column 5, lines 15-27).

Regarding claim 6, Anderson further discloses the method, further including:

defining a second schedule for implementing at least one power setting on the computer, the second schedule being different from the first schedule (column 6, lines 7-10); and

enforcing the at least one power setting on the computer according to the second schedule (column 5, lines 21-24, lines 27-29, column 6, lines 18-30).

Regarding claim 7, Anderson further discloses the method, as per claim 6, wherein the at least one power setting enforced according to the first schedule is different from the at least one power setting enforced according to the second schedule (column 5, lines 24-29).

Regarding claims 9 and 42, Anderson further discloses the method, wherein the reduced power state is selected from the group consisting of: suspend, standby and hibernate (column 5, lines 50-54, column 6, lines 59-64).

Regarding claim 10, Anderson further discloses the method, further including: defining a second schedule for implementing at least one reduced-power state on the computer (column 6, lines 7-10); and

enforcing the at least one reduced-power state according to the second schedule (column 5, lines 21-24, lines 27-29, column 6, lines 18-30).

Regarding claim 11, Anderson further discloses the method, as per claim 10, wherein the reduced power state enforced according to the first schedule is different from the reduced power state enforced according to the second schedule (column 5, lines 24-29).

Regarding claim 33, Anderson further discloses the method, wherein the power management profile includes a plurality of power settings to be implemented on the computer according to the schedule (column 5, lines 15-27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 12-26, 28-30, 34-38, 40, 41, and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson, US Patent No. 6,189,106 in view of Theron, US Patent Appl. Pub. No. 2002/0178387. Theron shows the claim limitations in Figures 1-16.

Regarding claims 2 and 30, Anderson discloses the method, as per claims 1 and 27, respectively.

Anderson fails to disclose wherein the schedule includes a reoccurring time period.

Theron teaches management and oversight of power consumption by computers and other information devices connected via a computer network similar to applicant's invention (paragraph 0003, lines 2-5). Theron further teaches a power management module 106B residing on a server 108 communicating with network devices 102 to configure their power utilization settings (paragraph 0054, lines 1-7). In addition, Theron further teaches defining the device's specific power setting policies (i.e. power

management profiles) using a web server 112 periodically (paragraph 0059, lines 1-4, paragraph 0060, lines 1-7). Thus, the power management profiles are defined/created on the server 108 (i.e. separate computer) to be enforced on any of the network information devices 102 periodically (i.e. reoccurring) (paragraph 0009, lines 1-6, paragraphs 0059 and 0060). In Theron, the above-described method allows for monitoring the power utilization of the network devices and control (paragraph 0013, lines 1-12) according to configurable power policies (paragraph 0016, lines 5-10). Thus, the network devices are properly configured with plurality of power settings (FIG(s) 14 and 16), and thus energy and cost are saved (paragraph 0111, lines 1-6, paragraph 0112, lines 1-10, FIG. 15).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the above-described method and system, as suggested by Theron with the methods disclosed by Anderson in order to implement wherein the schedule includes a reoccurring time period. One of ordinary skill in the art would be motivated to do so in order to save energy and cost.

Regarding claim 12, Anderson discloses a method of controlling the power usage of a computer, comprising:

power management profile including at least one power setting and a schedule for implementing the at least one power setting on the computer (column 1, lines 51-58, column 2, lines 1-5, lines 22-27, column 4, lines 33-46, lines 48-53, column 5, lines 15-27, column 6, lines 30-33); and

enforcing the at least one power setting on the computer according to the schedule (column 1, lines 58-60, line 66 – column 2, line 1, lines 5-11, lines 20-22, lines 27-30, column 5, lines 9-14, lines 33-36).

Regarding claim 21, Anderson discloses a method of controlling the power usage of a computer, comprising:

power management profile including a reduced-power state (column 4, lines 48-53, column 5, lines 15-27, column 6, lines 30-33) and a schedule for implementing the reduced power state on the computer (column 1, lines 51-58, column 2, lines 1-5, lines 22-27, column 4, lines 33-46); and

enforcing the reduced-power state according to the schedule (column 1, lines 58-60, line 66 – column 2, line 1, lines 5-11, lines 20-22, lines 27-30, column 5, lines 9-14, lines 33-36).

With regards to claims 12 and 21, Anderson fails to disclose receiving a power management profile at a computer from a source other than the computer.

Theron teaches management and oversight of power consumption by computers and other information devices connected via a computer network similar to applicant's invention (paragraph 0003, lines 2-5). Theron further teaches a power management module 106B residing on a server 108 communicating with network devices 102 to configure their power utilization settings (paragraph 0054, lines 1-7). In addition, Theron further teaches defining the device's specific power setting policies (i.e. power management profiles) using a web server 112 (paragraph 0059, lines 1-4, paragraph 0060, lines 1-7). Thus, the power management profiles are defined/created on the

server 108 (i.e. separate computer) to be enforced on any of the network information devices 102 (paragraph 0009, lines 1-6). In Theron, the above-described method allows for monitoring the power utilization of the network devices and control (paragraph 0013, lines 1-12) according to configurable power policies (paragraph 0016, lines 5-10). Thus, the network devices are properly configured with plurality of power settings (FIG(s) 14 and 16), and thus energy and cost are saved (paragraph 0111, lines 1-6, paragraph 0112, lines 1-10, FIG. 15).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the above-described method and system, as suggested by Theron with the methods disclosed by Anderson in order to implement receiving a power management profile at a computer from a source other than the computer. One of ordinary skill in the art would be motivated to do so in order to save energy and cost.

Regarding claims 13 and 22, Theron further teaches the methods, wherein the source is a second computer (SERVER SYSTEM 108) networked with the first computer (NETWORK INFORMATION DEVICE 102).

Regarding claims 14 and 23, Theron further teaches the methods, wherein the source is a power control unit communicating with the computer (paragraphs 0048 and 0049, FIG. 1).

Regarding claim 15, Theron further teaches the method, wherein the schedule includes a reoccurring time period (paragraph 0100, lines 1-6, paragraph 0101, lines 1-5).

Regarding claim 16, Anderson further discloses the method, wherein the schedule includes a specific calendar date (column 4, lines 39-42).

Regarding claim 17, Anderson further discloses the method, wherein the schedule includes a time period occurring on a specific calendar date (column 4, lines 39-42).

Regarding claim 18, Anderson further discloses the method, wherein the power management profile includes a plurality of power settings to be implemented on the computer according to the schedule (column 5, lines 9-27).

Regarding claim 19, Theron further teaches the method, wherein the power management profile includes a second schedule for implementing at least one power setting on the computer, the second schedule being different from the first schedule; and

further including enforcing the at least one power setting on the computer according to the second schedule (FIG. 16, applying different power schemes for different devices, scheduled with different time periods).

Regarding claim 20, Theron further teaches the method as per claim 19, wherein the at least one power setting enforced according to the first schedule is different from the at least one power setting enforced according to the second schedule (FIG. 16, applying different power schemes for different devices, scheduled with different time periods).

Regarding claim 24, Anderson further discloses the method, wherein the reduced power state is selected from the group consisting of: suspend, standby and hibernate (column 5, lines 50-54, column 6, lines 59-64).

Regarding claim 25, Theron further teaches the method, wherein the power management profile includes a second schedule for implementing a reduced-power state; and further including enforcing the reduced-power state according to the second schedule (FIG. 16, applying different power schemes for different devices, scheduled with different time periods).

Regarding claim 26, Theron further teaches the method as per claim 25, wherein the reduced power state enforced according to the first schedule is different from the reduced power state enforced according to the second schedule (FIG. 16, applying different power schemes for different devices, scheduled with different time periods).

Regarding claims 28, 29, 34-41, and 43-46 Anderson discloses the method as per claims 27 and 39, respectively.

With regards to claims 28 and 40, Anderson fails to disclose further including distributing the power management profile to the computer through a network of computers.

With regards to claims 29 and 41, Anderson fails to disclose further including distributing the power management profile to the computer through a power control unit communicating with the computer.

With regards to claim 34, Anderson fails to disclose wherein the power management profile includes a second schedule for implementing at least one power setting on the computer, the second schedule being different from the first schedule.

With regards to claim 43, Anderson fails to disclose wherein the power management profile includes a second schedule for implementing a reduced-power state.

With regards to claim 36 and 45, Anderson fails to disclose defining a group of one or more computers and distributing the power management profile to each of the computers in the group.

With regards to claim 46, Anderson fails to disclose the method, further including: defining a second group of one or more computers different from the one or more computers of the first group;

defining a second power management profile, the power management profile including a reduced power state and a schedule for implementing the reduced power state; and

distributing the second power management profile to each of the computers in the second group.

Theron teaches management and oversight of power consumption by computers and other information devices connected via a computer network similar to applicant's invention (paragraph 0003, lines 2-5). Theron further teaches a power management module 106B (i.e. power control unit) residing on a server 108 communicating with network devices 102 (i.e. different groups of one or more network computers, FIG. 1) to

configure their power utilization settings (paragraph 0054, lines 1-7). In addition, Theron further teaches defining a plurality of device's specific power setting policies (i.e. a plurality of power management profiles) (FIG. 16, applying different power schemes for different network devices/groups of network devices, scheduled with different time periods) using a web server 112 (paragraph 0059, lines 1-4, paragraph 0060, lines 1-7). Thus, the power management profiles are defined/created on the server 108 (i.e. separate computer) to be enforced on each of the network information devices 102 (paragraph 0009, lines 1-6). In Theron, the above-described method allows for monitoring the power utilization of the network devices and control (paragraph 0013, lines 1-12) according to configurable power policies (paragraph 0016, lines 5-10). Thus, the network devices are properly configured with plurality of power settings (FIG(s) 14 and 16), and thus energy and cost are saved (paragraph 0111, lines 1-6, paragraph 0112, lines 1-10, FIG. 15).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the above-described method and system, as suggested by Theron with the methods disclosed by Anderson in order to implement further including distributing the power management profile to the computer through a network of computers, further including distributing the power management profile to the computer through a power control unit communicating with the computer, wherein the power management profile includes a second schedule for implementing at least one power setting on the computer, the second schedule being different from the first schedule, wherein the power management profile includes a second schedule for implementing a

reduced-power state, defining a group of one or more computers and distributing the power management profile to each of the computers in the group, defining a second group of one or more computers different from the one or more computers of the first group, defining a second power management profile, the power management profile including a reduced power state and a schedule for implementing the reduced power state, and distributing the second power management profile to each of the computers in the second group. One of ordinary skill in the art would be motivated to do so in order to save energy and cost.

Regarding claim 35, Theron further teaches the method, as per claim 34, wherein at least one power setting to be implemented according to the first schedule is different from at least one power setting to be implemented according to the second schedule (FIG. 16, applying different power schemes for different devices, scheduled with different time periods).

Regarding claim 37, Theron further teaches the method, as per claim 36, further including:

defining a second group of one or more computers different from the first group of one or more computers;

defining a second power management profile, the power management profile including at least one power setting and a schedule for implementing the at least one power setting; and

distributing the second power management profile to each of the computers in the second group (FIG. 16, applying different power schemes for different network devices/groups of network devices, scheduled with different time periods).

Regarding claim 38, Theron further teaches the method, as per claim 36, further including:

defining a second group of one or more computers different from the first group of computers;

defining a second power management profile, the power management profile including a reduced power state and a schedule for implementing the reduced power state; and

distributing the second power management profile to each of the computers in the second group (FIG. 16, applying different power schemes for different network devices/groups of network devices, scheduled with different time periods).

Regarding claim 44, Theron further teaches the method as per claim 43, wherein the reduced power state to be implemented according to the first schedule is different from the reduced power state to be implemented according to the second schedule group (FIG. 16, applying different power schemes for different network devices, scheduled with different time periods).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Stoynov whose telephone number is (571) 272-4236. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on (571) 272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SS



REHANA PERVEEN
SUPERVISORY PATENT EXAMINER
8/30/07